

BLD-77

December 21, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **06-2550**

WILLIAM JOSEPH CUNNINGHAM

VS.

WILLIAM STICKMAN, ET AL.

(W.D. Pa. Civ. No. 04-cv-00119)

Present: MCKEE, FUENTES AND ROTH, CIRCUIT JUDGES

Submitted is Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); in the above-captioned case.

Respectfully,

Clerk

MMW/JSN/mc/awi

ORDER

The foregoing request for a certificate of appealability is denied because, for substantially the same reasons given by the Magistrate Judge, we conclude Appellant has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003).



By the Court,

/s/ Theodore A. McKee
Circuit Judge

Dated: 17 April 2007
AWI/CC: WJC
Marcia M. Waldron, Clerk
RAS